

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CHRISTOPHER ALAN LEVINGSTON §

VS. § CIVIL ACTION NO. 1:13cv127

GLENN BAKER §

MEMORANDUM ORDER REGARDING TRANSFER

Petitioner Christopher Alan Levingston, an inmate confined at the Boyd Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner brings this petition for writ of habeas corpus challenging the validity of a parole set-off.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district court for the district wherein such person is in custody or in the district court for the district within which he was convicted. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted and sentenced in Orange County, Texas. However, petitioner is currently confined at the Boyd Unit located in Teague, Freestone County, Texas. Pursuant to 28 U.S.C § 124, Freestone County is in the Waco Division of the Western District of Texas.

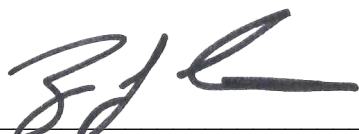
While jurisdiction is proper in the Eastern District of Texas because the prisoner was convicted within the district court's territorial boundaries, the court has considered the circumstances

and has determined that the interest of justice would best be served if this petition were transferred to the division in which the petitioner is confined.

Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Since petitioner complains of a parole set-off and is confined in the Waco Division of the Western District of Texas and all records and witnesses involving this action may be located in such district, the transfer of this action to such division would further justice. Therefore, it is the opinion of the undersigned that this petition should be transferred to the United States District Court for the Western District of Texas, Waco Division. An Order of Transfer so providing shall be entered in accordance with this Memorandum Order.

SIGNED this 12th day of March, 2013.

  
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Zack Hawthorn  
United States Magistrate Judge